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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANA ROMANOVA,	:	
	:	
Plaintiff,	:	
	:	22-CV-8948(VEC)
-against-	:	
	:	<u>ORDER GRANTING</u>
AMILUS INC.,	:	<u>DEFAULT JUDGMENT</u>
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, District Judge:

WHEREAS on April 24, 2023, the Court dismissed the case with prejudice on the basis that Defendant's publication of Plaintiff's photograph constituted fair use, *see* Opinion, Dkt. 33;

WHEREAS on May 22, 2023, Plaintiff filed a notice of appeal, *see* Dkt. 35;

WHEREAS on May 23, 2025, the U.S. Court of Appeals for the Second Circuit reversed this Court's decision to dismiss the case and remanded with instructions to enter a default judgment in Plaintiff's favor, having decided that Defendant's copying of Plaintiff's work did not constitute fair use, *see* Opinion, Dkt. 37; and

WHEREAS the Mandate issued on June 16, 2025, *see* Dkt. 38.

IT IS HEREBY ORDERED that Plaintiff's motion for default judgment, Dkts. 17–20, is GRANTED.

IT IS FURTHER ORDERED that Defendant must pay \$ 6,002.10 in statutory damages under 17 U.S.C. § 504(c). To account for damages, Plaintiff submitted a 2018 royalty statement for prior licensing of various photographs taken by Plaintiff, in which the average licensing fee was €1,026. Declaration of Joshua Vera, Exhibit 5, Dkt. 18–5. In 2018, the average exchange


rate for €1 was \$1.1793,¹ making the average licensing fee \$1,200.42. Adopting Plaintiff's proposal to multiply the license fee by five to adequately deter Defendant and to account for its willful violation, the Court will award civil penalties in the amount of \$6,002.10. Defendant must pay \$2,612.50 in attorneys' fees and \$442.00 in costs pursuant to 17 U.S.C. § 505 and Fed. R. Civ. P 54(d) and post-judgment interest under 28 U.S.C.A. § 1961.

IT IS FURTHER ORDERED that Defendant violated Plaintiff's exclusive rights under 17 U.S.C. § 106 of the Copyright Act by engaging in unauthorized copying of Plaintiff's registered work. Pursuant to 17 U.S.C. § 502(a), Defendant is enjoined from continuing to store and display Plaintiff's photograph as set forth in the Complaint.

The Clerk of Court is respectfully directed to terminate any open motions and to close the case.

SO ORDERED.

Date: June 18, 2025
New York, NY



VALERIE CAPRONI
United States District Judge

¹ *Exchange-Rates.org* (June 17, 2025), <https://www.exchange-rates.org/exchange-rate-history/eur-usd-2018>.